

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

RODNEY FOSTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:18-cv-01014-CDP
	)	
EXETER FINANCE LLC, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT CHEX SYSTEMS, INC.’S STATEMENT OF UNCONTROVERTED  
MATERIAL FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Defendant Chex Systems, Inc. (“Chex”) files this Statement of Uncontroverted Material Facts in support of its Motion for Summary Judgment, as follows:

1. Chex is a “consumer reporting agency” (“CRA”). (Stipulated Facts, attached hereto as “**Exhibit A**,” ¶ 5.)
2. Chex is a nationwide specialty CRA. (See Ex. A ¶ 5.)
3. Chex’s clients regularly contribute information on closed checking and savings accounts, which Chex provides to financial institutions and other companies that have a permissible purpose under the Fair Credit Reporting Act (“FCRA”). (Declaration of Lori Jones in Support of Motion for Summary Judgment (“Jones Decl.”), attached hereto as “**Exhibit B**,” ¶ 6.)
4. Chex maintains procedures designed to assure that it conducts reasonable reinvestigations of information that consumers dispute as inaccurate. (Jones Decl. ¶ 7.)
5. A consumer may contact Chex to request a consumer disclosure or to dispute information reporting on his or her credit file by telephone, mail, or through an Internet portal on Chex’s website. (Jones Decl. ¶ 8.)

6. Upon receipt of a dispute, and after locating the consumer's credit file, Chex begins the process of a reinvestigation. (Jones Decl. ¶ 8.)

7. Absent obvious defects that can be corrected on its face, Chex then notifies the source of the account information (referred to as "furnisher") of the consumer dispute, identifies the nature of the consumer's dispute, and includes the consumer's account information as it then appears in Chex's consumer disclosure report. (Jones Decl. ¶ 9.)

8. If the consumer provided Chex with documentation that supports his or her dispute, Chex will include the documents that it sends to the furnisher. (Jones Decl. ¶ 10.)

9. When the furnisher receives the dispute from Chex, it is generally required to conduct its own investigation and to report the results back to Chex. (Jones Decl. ¶ 11.)

10. If the furnisher advises Chex to delete or otherwise update the account information, Chex takes the necessary action and notifies the consumer. (Jones Decl. ¶ 12.)

11. Upon completion of the reinvestigation, Chex sends the consumer the results of the reinvestigation along with a summary of the consumer's rights under the FCRA and additional steps the consumer may take. (Jones Decl. ¶ 13.)

12. The individuals that handle consumer disputes must undergo a training process whereby they are trained on the reinvestigation policies and procedures created by Chex. (Jones Decl. ¶ 14.)

13. On April 6, 2018, Chex received a letter from Plaintiff Rodney Foster ("Plaintiff") regarding an entry in "his Chex Systems record," (Jones Decl. ¶ 15; see Ex. A ¶ 10), which consisted of a charged-off First Bank account for non-sufficient funds as to Plaintiff that Chex has been reporting on (Ex. A ¶ 9.).

14. In the April 6, 2018 letter, Plaintiff states that to his knowledge, he had never had non-sufficient funds and was not aware of any negative entries. (Jones Decl. ¶ 16.)

15. On April 7, 2018, in response to Plaintiff's April 6, 2018 letter, Chex sent Plaintiff a letter advising him of its receipt of his request and that it would initiate a reinvestigation. (Jones Decl. ¶ 17; Ex. A ¶ 12.)

16. On April 12, 2018, Chex contacted First Bank to initiate the reinvestigation and submitted the dispute to First Bank. (Jones Decl. ¶ 18; Ex. A ¶ 13.)

17. In Chex's April 12, 2018 correspondence, it inquired with First Bank as to whether the non-sufficient funds was accurately submitted to Chex and whether the information was accurate and should remain in Chex. (Jones Decl. ¶ 19.)

18. First Bank responded to Chex, advising that the reporting reason of non-sufficient funds was accurately submitted to Chex and that the information as to Plaintiff was accurate and should remain in Chex. (Jones Decl. ¶ 20; Ex. A ¶ 14.)

19. On April 17, 2018, Chex sent Plaintiff a letter informing him that the reinvestigation was verified, that the information submitted by First Bank was confirmed as accurate as reported, and informing him how to obtain additional information, among other things. (Jones Decl. ¶ 21; Ex. A ¶ 16.)

20. The dispute that Chex received on April 6, 2018, was the only written dispute that Chex received from Plaintiff. (Jones Decl. ¶ 22.)

21. In responding to Plaintiff's dispute, Chex followed its procedures and did not identify any inaccurate information on Plaintiff's Chex's report. (Jones Decl. ¶ 23; see Jones Decl. ¶¶ 7-24.)

22. Plaintiff has not provided any evidence in this case to demonstrate that Chex's reporting of the account was in fact inaccurate. (Jones Decl. ¶ 23.)

23. Chex's reporting of the account was accurate. (See Jones Decl. ¶ 24; Ex. A ¶ 14.)

24. Plaintiff has not brought forward any evidence of actual damages, and has stated that he seeks attorneys' fees calculated at a rate of \$345.00 per hour. (Jones Decl. ¶ 25 and Jones Decl. at "Exhibit B-1" thereto.)

25. Plaintiff has not brought forward any evidence of emotional distress damages. (Jones Decl. ¶ 26.)

DATED this 12<sup>th</sup> day of March, 2019.

Respectfully submitted,

SPENCER FANE LLP

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*Attorneys for Defendant Chex Systems, Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically with the United States District Court for the Eastern District of Missouri this 12<sup>th</sup> day of March, 2019, with notice of case activity generated and sent electronically to counsel of record.

/s/ Joshua C. Dickinson

Attorney for Defendant Chex Systems, Inc.